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09/471,777

12/23/1999

Christopher Sachse

AND1P313

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12/05/2003

OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)  
PLAZA VII, SUITE 3300  
45 SOUTH SEVENTH STREET  
MINNEAPOLIS, MN 55402-1609

EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/471,777

Applicant(s)

SACHSE ET AL.

Examiner

Jean M Corrielus

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2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This office action is in response to the application filed on December 23, 1999, in which claims 1-20 are pending for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed on January 29, 2003 (paper no.5) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

#### ***Drawings***

3. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

#### ***Claim Objections***

4. Claims 1, 9 and 17 are objected to because of the following informalities: in line 8, after "directory;" please insert --and--. Claims 9 and 17 are objected for the same analysis applied to claim 1. Appropriate correction is required.

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***Claim Rejections - 35 U.S.C. § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "the retrieved" in line 5; "the relocating" in line 7; and "the loading" line 9;

In claim 3 recites line 2 "the calculation";

In claim 4, line 2 recites " the assigning";

In claim 5, line 2 recites "the sorting";

In claim 6, line 2 recites "the concatenating". There is insufficient antecedent basis for this limitation in the claims.

As to Claims 9-16 and 17-20 are rejected for the same reasons applied to claims 1-8.

***Claim Rejections - 35 U.S.C. § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Groath et al., (hereinafter "Groath") US patent no.6,571,285.

Since US 6,571,285 is assigned to Accenture LLP, which has different inventive entity the instant application, wherein the instant application is assigned to Endersen Consulting, LLP, US 6,571,285 anticipates the limitations as claimed in claims 1-20.

As to claim 1, Groath discloses the claimed "receiving an activation signal" as generating an alarm to indicate a status of a network (col.2, lines 9-10; col.13, lines 9-28); "transmitting a signal to initiate the retrieving of network performance data and network event data generated from at least one network monitor monitoring a network a network system and the relocating of the data into a common directory" (col.13, lines 9-28); and "transmitting a signal to initiate the manipulation of the data and the loading of the manipulated data into a database"(col.13, lines 9-28).

As to claim 2, Groath discloses the claimed "wherein the signal to initiate the manipulating and storing of the data initiates a controller program that transmits a signal to initiate the manipulation of the data"(col.13, lines 9-28).

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As to claim 3, Groath discloses the claimed “wherein the controller program transmits a signal to initiate the calculation of statistics from the data”(col.13, lines 9-28).

As to claim 4, Groath discloses the claimed “wherein the controller program transmits a signal to initiate the assigning of key codes to the data” (col.2, lines 19-20; col.13, lines 9-28).

As to claim 5, Groath discloses the claimed “wherein the controller program transmits a signal to initiate the sorting of the data” as sorting the data according to predetermined criteria (col.2, lines 20-21; col.13, lines 9-28).

As to claim 6, Groath discloses the claimed “wherein the controller program transmits a signal to initiate the concatenating of the data” as concatenating the sorted data together (col.2, line 2; col.13, lines 9-28).

As to claim 7, Groath discloses the claimed “wherein the controller program transmits a signal to initiate the loading of the data into the database” (col.2, lines 22-23; col.13, lines 9-28).

As to claim 8, Groath discloses the claimed “transmitting a signal to initiate a clean archive program for deleting files from an archive directory” (col.13, lines 43-57); “transmitting a signal to initiate a table extract program for extracting data from tables stored in the database”(col.13, lines 43-57);

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“transmitting a signal to initiate a trigger reporting program for generating reports”(col.13, lines 43-57); “transmitting a signal to initiate a purge record program for deleting records from the database”(col.13, lines 43-57); and “transmitting a signal to initiate a database backup program for backup data stored on the database” (col.13, lines 43-57).

As to claims 9-16:

Claim 9-16 are for computer programs performed by the method of claims 1-8. They are, therefore, rejected under the same rationale.

As to claims 17-20:

Claim 17-20 are for systems performed by the method of claims 1-8. They are, therefore, rejected under the same rationale.

### ***Conclusion***

9. Any inquiry concerning this communication or early communication from the Examiner should directed to **Jean M. Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on Tuesday-Friday from 7:00am to 5:30pm. If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on Monday-Friday from 9:00 a.m.-6:00 p.m. at (703)305-4393.


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**Any response to this action should be mailed to:** Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** (703) 308-9051, (for formal communications intended for entry)

**Or:** (703)305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-9600.



Jean M. Corrielus

Primary Examiner

November 30, 2003